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By: **Senator Hughes**  
Introduced and read first time: February 6, 2004  
Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Death Penalty - Maryland Commission on Capital Punishment**

3 FOR the purpose of establishing a Maryland Commission on Capital Punishment;  
4 providing for the membership of the Commission; establishing the chairman of  
5 the Commission; authorizing the Commission to hold public hearings; providing  
6 for the staffing of the Commission; requiring certain entities to cooperate with  
7 the Commission; providing for the funding of the Commission; providing that a  
8 member of the Commission may not receive compensation but is entitled to  
9 certain reimbursement; establishing the duties of the Commission; requiring the  
10 Commission to make certain reports at certain times; providing for the  
11 construction of this Act; providing for the termination of this Act; and generally  
12 relating to the death penalty.

13 BY adding to  
14 Article - Correctional Services  
15 Section 3-910  
16 Annotated Code of Maryland  
17 (1999 Volume and 2003 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article - Correctional Services**

21 3-910.

22 (A) IN THIS SECTION, "COMMISSION" MEANS THE MARYLAND COMMISSION ON  
23 CAPITAL PUNISHMENT.

24 (B) THERE IS A MARYLAND COMMISSION ON CAPITAL PUNISHMENT.

25 (C) THE COMMISSION CONSISTS OF THE FOLLOWING MEMBERS:

26 (1) THE LIEUTENANT GOVERNOR;

1           (2)     TWO MEMBERS OF THE SENATE OF MARYLAND, APPOINTED BY THE  
2 PRESIDENT;

3           (3)     TWO MEMBERS OF THE HOUSE OF DELEGATES, APPOINTED BY THE  
4 SPEAKER OF THE HOUSE;

5           (4)     THE ATTORNEY GENERAL, OR THE ATTORNEY GENERAL'S DESIGNEE;

6           (5)     THE STATE PUBLIC DEFENDER, OR THE STATE PUBLIC DEFENDER'S  
7 DESIGNEE;

8           (6)     A STATE'S ATTORNEY, RECOMMENDED BY THE PRESIDENT OF THE  
9 MARYLAND STATE'S ATTORNEYS' ASSOCIATION;

10          (7)     THE PRESIDENT OF THE MARYLAND STATE BAR ASSOCIATION, OR  
11 THE PRESIDENT'S DESIGNEE WHO IS NOT A PROSECUTOR OR CRIMINAL DEFENSE  
12 ATTORNEY;

13          (8)     ONE MEMBER OF THE JUDICIARY, APPOINTED BY THE CHIEF JUDGE  
14 OF THE COURT OF APPEALS;

15          (9)     THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES,  
16 OR THE SECRETARY'S DESIGNEE;

17          (10)    THE PRESIDENT OF THE MARYLAND CONFERENCE OF THE NAACP,  
18 OR THE PRESIDENT'S DESIGNEE; AND

19          (11)    THE FOLLOWING MEMBERS, APPOINTED BY THE GOVERNOR:

20               (I)     ONE REPRESENTATIVE OF THE MARYLAND CRIME VICTIM'S  
21 RESOURCE CENTER;

22               (II)    ONE REPRESENTATIVE OF THE RELIGIOUS COMMUNITY;

23               (III)   TWO REPRESENTATIVES OF THE GENERAL PUBLIC.

24       (D)     THE CHAIRMAN OF THE COMMISSION SHALL BE THE LIEUTENANT  
25 GOVERNOR.

26       (E)     THE COMMISSION MAY HOLD PUBLIC HEARINGS.

27       (F)     (1)     THE MARYLAND JUSTICE ANALYSIS CENTER OF THE DEPARTMENT  
28 OF CRIMINOLOGY AT THE UNIVERSITY OF MARYLAND SHALL PROVIDE STAFF FOR  
29 THE COMMISSION.

30               (2)     ALL STATE, COUNTY, AND MUNICIPAL AGENCIES, DEPARTMENTS,  
31 BOARDS, BUREAUS, COMMISSIONS, AND AGENCIES SHALL COOPERATE FULLY WITH  
32 THE COMMISSION.

33       (G)     FUNDS NECESSARY FOR THE FUNCTIONING OF THE COMMISSION SHALL  
34 BE AS PROVIDED IN THE STATE BUDGET.

1 (H) A MEMBER OF THE COMMISSION:

2 (1) MAY NOT RECEIVE COMPENSATION; BUT

3 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE  
4 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

5 (I) (1) THE COMMISSION SHALL:

6 (I) STUDY CAPITAL PUNISHMENT IN THE STATE; AND

7 (II) REVIEW:

8 1. THE FINDINGS OF THE 2-YEAR UNIVERSITY OF  
9 MARYLAND STUDY, "AN EMPIRICAL ANALYSIS OF MARYLAND'S DEATH SENTENCING  
10 SYSTEM WITH RESPECT TO THE INFLUENCE OF RACE AND LEGAL JURISDICTION";

11 2. THE JUNE 2001 PROTOCOLS OF THE AMERICAN BAR  
12 ASSOCIATION SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES;

13 3. "MANDATORY JUSTICE: EIGHTEEN REFORMS TO THE  
14 DEATH PENALTY", A REPORT OF THE CONSTITUTION PROJECT'S BIPARTISAN,  
15 BLUE-RIBBON COMMISSION OF CAPITAL PUNISHMENT SUPPORTERS AND  
16 OPPONENTS; AND

17 4. OTHER NONPARTISAN, ACADEMIC, OR GOVERNMENTAL  
18 INQUIRIES INTO THE ADMINISTRATION OF CAPITAL PUNISHMENT AT STATE AND  
19 NATIONAL LEVELS.

20 (2) (I) THE COMMISSION SHALL MAKE RECOMMENDATIONS TO  
21 GUARANTEE THAT THE APPLICATION AND ADMINISTRATION OF CAPITAL  
22 PUNISHMENT IN THE STATE AND THE PUBLIC POLICY OF THE STATE REGARDING  
23 CAPITAL PUNISHMENT ARE FREE FROM BIAS AND ERROR AND DESIGNED TO  
24 GUARANTEE FAIRNESS AND ACCURACY.

25 (II) THE RECOMMENDATIONS SHALL ADDRESS:

26 1. RACIAL DISPARITIES;

27 2. JURISDICTIONAL DISPARITIES;

28 3. SOCIO-ECONOMIC DISPARITIES;

29 4. THE RISK OF INNOCENT PEOPLE BEING EXECUTED;

30 5. EVOLVING STANDARDS OF DECENCY REGARDING STATE  
31 EXECUTIONS; AND

32 6. A COMPARISON OF THE COSTS ASSOCIATED WITH DEATH  
33 SENTENCES AND THE COSTS ASSOCIATED WITH SENTENCES OF LIFE  
34 IMPRISONMENT WITHOUT THE POSSIBILITY OF PAROLE.

1 (J) (1) THE COMMISSION SHALL MAKE A PRELIMINARY REPORT ON ITS  
2 FINDINGS AND RECOMMENDATIONS, IN ACCORDANCE WITH § 2-1246 OF THE STATE  
3 GOVERNMENT ARTICLE, TO THE HOUSE JUDICIARY COMMITTEE AND THE SENATE  
4 JUDICIAL PROCEEDINGS COMMITTEE DURING THE 2005 SESSION OF THE GENERAL  
5 ASSEMBLY.

6 (2) THE COMMISSION SHALL MAKE A FINAL REPORT ON ITS FINDINGS  
7 AND RECOMMENDATIONS, IN ACCORDANCE WITH § 2-1246 OF THE STATE  
8 GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY ON OR BEFORE NOVEMBER 30,  
9 2005.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be  
11 construed to affect in any way the law concerning the death penalty, including the  
12 procedures and time frames for notifications, determinations, and judicial review of  
13 death penalty decisions.

14 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take  
15 effect July 1, 2004. It shall remain effective for a period of 1 year and 6 months and,  
16 at the end of December 31, 2005, with no further action required by the General  
17 Assembly, this Act shall be abrogated and of no further force and effect.